IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14046 of 2004

Between:

B.Mohd.Jeelan, s/o B.Imam Sab, r/o Door No.5-331, Chinna Bazar, Tadpathri, Ananthapur District.

..... PETITIONER

AND

1.Regional Transport Officer & Secretary,

Regional Transport Authority, Anantapur, Anantapur District.
2.Inspector of Police, M.V.Special Squad,
Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus, declaring the action of the respondent in seizing and detaining the petitioner's Stage Carriage Bus bearing Registration No.AP.02/T.4599, pursuant to the Vehicle Check Report No.905 (V.C.R.No.430/04) dated 05-08-2004 of the 2nd respondent, as illegal, arbitrary and contrary to law and consequently direct the respondents to release the said vehicle to the petitioner herein

Counsel for the Petitioner: MR.E.MARUTHI RAJA

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORDER:

The petitioner is the owner of a stage carriage bus bearing No.AP 03 T.4599.

On the allegation that the petitioner plied the vehicle without permit and failed to produce vehicle documents, it was seized by the 2nd respondent on 05-08-2004. The enquiry is pending before the first respondent, regarding the violation of the rules said to be made by the petitioner. The petitioner approached this Court for the interim custody of the vehicle on the ground that the first respondent did not respond to his request for the release of the vehicle and if the vehicle remains idle, it is likely to be damaged.

The first respondent, is therefore, directed to release the bus in favour of the petitioner for interim custody pending enquiry, on condition of depositing of Rs.10,000/- with the first respondent and also on complying the following conditions.

1. The petitioner shall not transfer the vehicle in favour of others;
2. He shall not change any parts of the vehicle without the permission of the first respondent;
3. The petitioner shall produce the vehicle as and when required by the first respondent.

The Writ petition is accordingly disposed of at the admission stage.

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10th AUGUST 2004

BSS/SVS

Note: Copy by tomorrow.

B.O.

BSS/SVS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.Regional Transport Officer & Secretary,

Regional Transport Authority, Anantapur, Anantapur District.
2.Inspector of Police, M.V.Special Squad,
Anantapur District

3.2CCs to G.P.for Transport, High Court Buildings, Hyderabad

(OUT)

4.2CD copies

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